

**ORDINANCE NO. 05-03**  
**(FORMERLY ORDINANCE No. 04-12)**

**AN ORDINANCE OF THE COUNTY OF ST. LUCIE COUNTY, FLORIDA, CREATING CHAPTER 1-10.2 (HISTORIC PRESERVATION) OF THE ST. LUCIE COUNTY CODE AND COMPLIED LAWS TO PROVIDE FOR THE IDENTIFICATION, PROTECTION, RESTORATION AND PROMOTION OF HISTORIC BUILDINGS, SITES, DISTRICTS, LANDSCAPE FEATURES, OBJECTS AND STRUCTURES WHICH HAVE DEMONSTRATED HISTORICAL, ARCHITECTURAL OR ARCHAEOLOGICAL SIGNIFICANCE; CREATING SECTION 1-10.2-1 (SHORT TITLE) TO PROVIDE FOR THE ORDINANCE TO BE KNOWN AS THE “ST. LUCIE COUNTY HISTORIC PRESERVATION ORDINANCE”; CREATING SECTION 1-10.2-2 (PURPOSE); CREATING SECTION 1-10.2-3 (DEFINITIONS); CREATING SECTION 1-10.2-4 (HISTORIC PRESERVATION TRUST FUND); CREATING ARTICLE II. HISTORIC PRESERVATION OFFICER; CREATING SECTION 1-10.2-5 (APPOINTMENT AND DUTIES); CREATING ARTICLE III. HISTORIC PRESERVATION COMMITTEE; CREATING SECTION 1-10.2-6 (CREATION); CREATING SECTION 1-10.2-7 (COMPOSITION; QUALIFICATION OF MEMBERS); CREATING SECTION 1-10.2-8 (TERM; REMOVAL); CREATING SECTION 1-10.2-9 (ORGANIZATION); CREATING SECTION 1-10.2-10 (MEETINGS; RECORDS); CREATING SECTION 1-10.2-11 (RULES AND REGULATIONS); CREATING SECTION 1-10.2-12 (FUNCTIONS, POWERS AND DUTIES); CREATING ARTICLE IV. DESIGNATION PROCESS AND PROCEDURE; CREATING SECTION 1-10.2-13 (CRITERIA); CREATING SECTION 1-10.2-14 (PROCEDURES FOR HISTORIC DESIGNATION); CREATING SECTION 1-10.2-15. (EMERGENCY ACTIONS); CREATING ARTICLE V. CERTIFICATE OF APPROPRIATENESS; CREATING SECTION 1-10.2-16 (REQUIRED); CREATING SECTION 1-10.2-17 (FORMS AND FEES); CREATING SECTION 1-10.2-18 (PRE-APPLICATION CONFERENCE); CREATING SECTION 1-10.2-19 (STANDARDS FOR REVIEW AND ISSUANCE); CREATING SECTION 1-10.2-20 (STANDARD CERTIFICATE OF APPROPRIATENESS); CREATING SECTION 1-10.2-21 (SPECIAL CERTIFICATE OF APPROPRIATENESS); CREATING SECTION 1-10.2-22 (DEMOLITION); CREATING SECTION 1-10.2-23 (ECONOMIC HARDSHIP); CREATING SECTION 1-10.2-24 (MAINTENANCE OF DESIGNATED PROPERTIES); CREATING ARTICLE VI. CERTIFICATE TO DIG; CREATING SECTION 1-10.2-25 (CERTIFICATE TO DIG); CREATING ARTICLE VII. APPEALS; CREATING SECTION 1-10.2-26 (APPEALS); CREATI NG ARTICLE VIII. PENALTIES; CREATING SECTION 1-10.2-27 (PENALTIES) CREATING ARTICLE IX. INCENTIVES; CREATING SECTION 1-10.2-28 (INCENTIVES); CREATING SECTION 1-10.2-29 (TAX EXEMPTION FOR REHABILITATION OF HISTORIC PROPERTIES); PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY;**

**PROVIDING FOR APPLICABILITY; PROVIDING FOR FILING; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ADOPTION; PROVIDING FOR CODIFICATION**

**WHEREAS**, the Board of County Commissioners of St. Lucie County, Florida, has made the following determinations:

1. There are located within St. Lucie County certain historic and prehistoric archaeological sites and historic areas, structures, buildings and improvements both public and private, both on individual properties and in groupings, that serve as reminders of past eras, events and persons important in local, state and national history; or that provide significant examples of past architectural styles and constitute unique and irreplaceable assets to the county;

2. It is the policy of the Board of County Commissioners of St. Lucie County to recognize the importance of St. Lucie County's historic resources as a component of the economy and to enhance them by encouraging awareness of history historic places and cultural amenities;

3. The adopted comprehensive plan directs the County to identify and protect archaeological and historical properties and to adopt a Historical Preservation Ordinance;

4. On March 22, 2004, the St. Lucie County Historical Commission recommended approval of the Historical Preservation Ordinance;

5. On June 17, 2004, the Local Planning Agency/Planning and Zoning Commission held a public hearing on the proposed ordinance after publishing notice in The Tribune at least ten (10) days prior to the hearing and recommended that the ordinance be approved.

6. On September 7, 2004, this Board canceled a public hearing on the proposed ordinance, after publishing a notice of such hearing in The Tribune on August 27, 2005.

7. On January 25, 2004, this Board held a public hearing on the proposed ordinance, after publishing a notice of such hearing in The Tribune on January 15, 2005.

8. On February 15, 2005, this Board held a second public hearing on the proposed ordinance, after publishing a notice of such hearing in The Tribune on February 1, 2005.

9. On April 19, 2005, this Board held a third public hearing on the proposed ordinance, after publishing a notice of such hearing in The Tribune on March 24, 2005.

10. On August 2, 2005, this Board held a fourth public hearing on the proposed ordinance, after publishing a notice of such hearing in The Tribune on July 23, 2005.

11. The proposed ordinance is consistent with the general purpose, goals, objectives and policies of the St. Lucie County Comprehensive Plan and is in the best interest of the welfare of the citizens of St. Lucie County Florida.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of St. Lucie County, Florida:

**PART A.**

**CHAPTER 1-10.2 (HISTORIC PRESERVATION) of the St. Lucie County Code and Compiled Laws is hereby created to read:**

**ARTICLE 1. GENERAL**

**Section 1-10.2.1. Short title.**

This ordinance shall be known as the “St. Lucie County Historic Preservation Ordinance.”

**Section 1-10.2.2. Purpose.**

(1) It is hereby declared as a matter of public policy that the protection, enhancement, and perpetuation of properties of historical, cultural, archaeological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of St. Lucie County.

(2) The purpose of this Ordinance is to protect the significant historic resources of St. Lucie County, to the maximum extent practicable, in accordance with the goals and policies of the St. Lucie County Comprehensive Plan, by providing procedures for the designation and subsequent review of certain types of changes that are proposed for these resources.

(3) The safeguarding of the historic resources in St. Lucie County is also intended to:

- a. Foster civic pride in the accomplishments of the past;
- b. Protect and enhance the County’s historical heritage and provide an economic stimulus through heritage tourism;

- c. Promote the protection and maintenance of individual sites and districts in public acquisition programs for the education, pleasure and welfare of the people of St. Lucie County; and
- d. Encourage adaptive use of historic resources by giving them priority over activities that would harm or otherwise destroy their historic value.
- e. Enhance property values
- f. Stabilize neighborhoods and business centers.
- g. Increase economic and financial benefits to the County and its inhabitants.
- h. Combat blight.
- i. Promote historic awareness in the County.
- j. Enhance the visual and aesthetic character of the County.
- k. Protect and enhance the archaeological resources of the County.

(4) In addition, the provisions of this Chapter will assist the County and property owners to be eligible for federal tax incentives, federal and state grant funds, and other potential property tax abatement programs for the purpose of furthering historic preservation activities, including, but not limited to, Section 193.503, Florida Statutes, and the National Register of Historic Places program.

(5) This ordinance is intended to and shall govern and be applicable to all property located within the unincorporated areas of St. Lucie County, Florida.

(6) The historic preservation ordinance shall be filed, and it shall address the following sections: the establishment of an Historic Preservation Committee with powers and duties; the creation of a process to designate historic buildings, sites, districts, landscape features, roads, objects, structures, and archaeological sites; a process of review for issuing certificates of appropriateness, and an appeal process. The County shall submit the ordinance to the National Register of Historic Places for certification of eligibility for the 1981 Economic Recovery Tax Act, as amended.

(7) The St. Lucie County Register of Historic Places is hereby created as a means of identifying and classifying various sites, buildings, structures, objects and districts as historically significant.

### **Section 1-10.2-3. Definitions**

(1) *Adaptive use:* The process of converting a building to a use other than that for which it was designed.

(2) *Addition:* A construction project physically connected to the exterior of a historic building.

(3) *Alteration:* Any change affecting the exterior or appearance of an existing improvement by additions, reconstruction, remodeling or maintenance involving change

of color, form, texture or materials, or any such changes in appearance of specially designated interiors.

(4) *Archaeological site*: A single specific location that has yielded or is likely to yield information on local history or prehistory.

(5) *Archaeological zone*: A geographically defined area, defined in the Archaeological Survey of St. Lucie County, Florida (2000), as amended, which may reasonably be expected to yield information on local history or prehistory based upon broad prehistoric or historic settlement patterns.

(6) *Artifact*: Any object that is a product of human modification or objects that have been transported to a site by people.

(7) *Building*: A resource created principally to shelter any form of human activity such as a house, barn, church, hotel or similar construction.

(8) *Board*: The St. Lucie County Board of County Commissioners.

(9) *Certificate of Appropriateness*: A certificate issued by the St. Lucie County Historic Preservation Committee or its designated staff, which permits certain alterations or improvements to a designated individual site or a property within a historic district.

(10) *Certificate to Dig*: A type of certificate of appropriateness required by the County for certain ground disturbing activities, such as filling, grading, and the removal of vegetation and trees but excluding swimming pool excavation.

(11) *Certified Local Government*: A government satisfying the requirements of the National Historic Preservation Act Amendments of 1980 (P.L. 96-515) and the implementing of regulations of the U.S. Department of the Interior and the State of Florida, Division of Historical Resources. A government that is certified will review all nominations to the National Register of Historic Places within its jurisdiction prior to reviews at the state and federal levels.

(12) *Contributing resource*: A building, site, landscape feature, object, structure, or archaeological resource that adds to the historic associations, historic architectural qualities, or archaeological values for which a property is significant because it was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity or is capable of yielding important historical information.

(13) *Demolition*: The act or process of wrecking, destroying or removing any building or structure, or any portion thereof.

(14) *Designated exterior*: All outside surfaces of any building or structure that is individually listed or listed in the designation report as having significant value to the historic character of the building or district.

(15) *Designation report*: A document prepared by the staff of the Historic Preservation Committee for all properties or districts that are proposed for local historic designation. The report, at a minimum, must include a boundary description of the proposed site or district, an evaluation of its significance as it relates to the criteria for significance, location maps, representative photographs and a physical description of the historic resource(s).

(16) *Earthworks*: Earthworks consist of linear ridges, circular embankments, and causeways constructed of earth and/or shell, as well as their associated borrow pits, and both linear and circular ditches. These are most often associated with other precontact features such as mounds or middens, but they may occasionally be encountered in isolation.

(17) *Excavation*: Any mechanical or manual removal of rock, consolidated or unconsolidated soil material, sand, or vegetation. "Excavation" includes, but is not limited to, dredging, draglining, bulldozing, scraping, digging, scooping, or hollowing out.

(18) *Exceptional historic resource*: A cultural or historic resource which would reasonably meet national, state or local criteria for historic designation and meets one or more of the following criteria:

a. It is one of a kind or one of the last of its kind in the County or region; or falls within a category of resources so fragile that survivors are unusual.

b. It possesses a design value quickly recognized as historically significant by the architectural or engineering profession.

c. It falls within a category of those resources for which the community has an unusually strong associative attachment; or reflects the extraordinary impact of a political or social event.

d. It is an integral part of a district that is eligible for listing in the National Register of Historic Places.

e. Retention of the historic resource promotes the public good of the County by providing an opportunity to interpret history, architecture and design.

(19) *Historical Commission*: The St. Lucie County Historical Commission established pursuant to Section 1-16-41, St. Lucie County Code of Ordinances and Compiled Laws.

(20) *Historic district:* A geographically defined area possessing a significant concentration, linkage or continuity of buildings, structures, objects, improvements or landscape features, united by historic events or by plan or physical development, and which area has been designated as a Historic District pursuant to procedures described herein.

(21) *Historic landscape feature:* Individual plants, such as a specimen tree, or groups of plants, such as a hedge, allee, agricultural field, planting bed, or a naturally occurring plant community or habitat, with historical significance.

(22) *Historic Preservation Committee:* The St. Lucie County Historic Preservation Committee, a citizen advisory committee established in accordance with Article III of this ordinance.

(23) *Historic Preservation Officer:* A person appointed by the County Administrator to serve as the staff to the Historic Preservation Committee. That person shall be experienced in, or knowledgeable about, architectural history, urban design, historic preservation principles, planning and land use regulations.

(24) *Historic Preservation Trust Fund:* The St. Lucie County Historic Preservation Trust Fund created for the purpose of funding the preservation of historic resources within the unincorporated areas of the County.

(25) *Historic resource:* Any prehistoric or historic district, site, building, object or other real or personal property of historical, architectural or archaeological value. The properties may include, but are not limited to, monuments, memorials, habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure troves, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof relating to the history, government or culture of the County, the State of Florida, or the United States of America.

(26) *Interim protection measure:* The interim period of time needed to protect a property from demolition, relocation, alteration, or new construction until such period of time provided by law passes for the property to be considered for designation as a historic site, or historic district, or zone.

(27) *Local Register of Historic Places:* The St. Lucie County Register of Historic Places.

(28) *National Register of Historic Places:* A federal listing maintained by the U.S. Department of the Interior of buildings, structures, sites, objects and districts that have met the criteria for significance contained in the National Historic Preservation Act of 1966 (as amended.)

(29) *Non-contributing resource*: A building, site, landscape feature, object, or structure that does not add to the historic architectural qualities, historic associations or archaeological values for which a property is significant because it was not present during the period of significance or does not relate to the documented significance of the property and/or, due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity or is no longer capable of yielding important information about the period.

(30) *Object*: Those objects that are primarily artistic in nature, or are relatively small in scale and simply constructed. It may be, by nature or design, movable; an object is associated with a specific setting or environment.

(31) *Ordinary maintenance and repair*: Any exterior work for which a building permit is not required by law, where the purpose and effect of such work is to correct any physical deterioration or damage of an element, by restoring it as nearly as possible to its appearance using materials consistent with the original materials.

(32) *Preservation*: The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property.

(33) *Rehabilitation*: The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use, while preserving those portions or features of the property that are significant to its historical, architectural and cultural values.

(34) *Resource of Exceptional Importance*: A historic resource that is of exceptional importance because it is (a) one of a kind; (b) directly related to a major theme in the County or region's development; and (c) significant in multiple areas which can include history, architecture, landscape design, or archaeology.

(35) *Restoration*: The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of removal of later work or by the replacement of missing earlier work and utilizing traditional materials.

(36) *Scale*: The character of any architectural work is determined both in its internal space and in its external volume by the fundamental factor of scale, the relation between the interior space and exterior volume.

(37) *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings*: A set of guidelines produced by the Department of the Interior that establish professional standards and provide advice and guidelines on the rehabilitation of historic properties and acceptable preservation treatments. The standards pertain to exterior and interior work on historic buildings.



(38) *Site*: The location of a significant event, a prehistoric or historic occupation or activity, or a structure, whether standing, ruined, or vanished, where the location itself possess historic, cultural, archaeological, or paleontological value regardless of the value of any exiting structure.

(39) *St. Lucie County Historic Resources Survey, 2003*: A survey that identifies the historic resources of St. Lucie County. The survey results include mapping; photographic documentation; research into the date of construction and original uses; and a detailed description of each resource.

(40) *Special Certificate of Appropriateness*: A Special Certificate of Appropriateness is required for work that includes: additions, alterations, new construction, relocations, or demolition, and for those instances when the proposed work is deemed to have a significant impact on the historic resource(s). The Historic Preservation Committee shall review the request.

(41) *Standard Certificate of Appropriateness*: A Standard Certificate of Appropriateness shall be issued by the staff of the Historic Preservation Committee when the work proposed is a minor alteration, routine maintenance or in-kind replacement as set forth in the rules adopted by the Historic Preservation Committee.

(42) *St. Lucie County Register of Historic Places*: A register of those individual cultural and historic resources and districts that have been designated as historic pursuant to this ordinance.

(43) *Streetscape*: A view or vista of a specific street, the distinguishing characteristics of which are created by the width of the street and sidewalks, their paving material and color, the design of street furniture, the use of plant materials such as trees and shrubs, the setback, mass, proportion and scale of those buildings that enclose the street.

(44) *Structure*: Those functional constructions made usually for purposes other than human shelter.

(45) *Undue economic hardship*: An exceptional financial burden that might otherwise amount to the taking of property without just compensation, or failure to achieve a reasonable economic return.

#### **Section 10.2-4. Historic Preservation Trust Fund.**

(1) The Clerk of the Circuit Court of St. Lucie County, acting as clerk and auditor to the Board is hereby authorized and directed to establish in the accounts of the Board of County Commissioners a St. Lucie County Historic Preservation Trust Fund. The Clerk shall deposit such funds donated or otherwise contributed to the County for historic preservation into the St. Lucie County Historic Preservation Trust Fund.

(2) The Board shall distribute the funds placed in the St. Lucie County Historic Preservation Trust Fund, plus accrued interest, to undertake a historic preservation strategy as determined by the Board.

## **ARTICLE II. HISTORIC PRESERVATION OFFICER**

### **Section 1-10.2-5. Appointment and duties.**

The County Administrator shall appoint an employee of the Board to serve as the St. Lucie County Historic Preservation Officer. The appointee shall be knowledgeable and experienced in architectural history, urban design, local history, site planning and land use regulations. The Historic Preservation Officer shall:

(1) Schedule the meetings of the Historic Preservation Committee, prepare agendas, and ensure that proper notice of the meetings are afforded to the public and affected parties.

(2) Prepare local historic designation reports and make recommendations to the Historic Preservation Committee as to whether or not they meet the designation criteria under Article IV of this ordinance.

(3) Upon receipt of a completed application for a Certificate of Appropriateness, evaluate the scope of the project to determine whether it will be considered for review as a Standard or Special Certificate of Appropriateness, and then process the application as described in Article V and VI of this ordinance.

(4) Maintain and update the official inventory and map of historically designated sites and districts.

(5) Prepare summaries of all decisions regarding applications to include the criteria and conditions for approval or denial.

(6) Review all plans for designated historic sites and historic districts, for their compliance with the terms and conditions of applicable Certificates of Appropriateness or Certificate to Dig prior to the issuance of a construction or vegetation removal permit.

(7) Apply for preservation grants and actively participate in other historic preservation programs, such as the Historic Marker Program, administered by the Florida Division of Historical Resources, Bureau of Historic Preservation.

(8) Serve as the Certified Local Government Coordinator between the Board and the Florida Division of Historical Resources, Bureau of Historic Preservation.

### **ARTICLE III. HISTORIC PRESERVATION COMMITTEE**

#### **Section 1-10.2-6. Creation.**

The St. Lucie County Historic Preservation Committee is hereby created and established as a committee of the St. Lucie County Historical Commission. The Committee is hereby vested with the power, authority and jurisdiction to recommend local historic designations; issue Certificates of Appropriateness; and to regulate and administer the historical, cultural, architectural and archaeological resources in St. Lucie County, as prescribed by this ordinance and the direct jurisdiction and legislative control of the Board.

#### **Section 1-10.2-7. Composition; qualification of members.**

(1) The Historic Preservation Committee shall consist of seven (7) members. Each one of the five (5) County Commissioners shall individually appoint one member of the Historic Preservation Committee whose term shall coincide with the term of the Commissioner who appointed that member. The Board shall collectively appoint the other two (2) at large members from the Historical Commission whose initial terms on the Historic Preservation Committee shall be established by resolution of the Board. Each member of the Historic Preservation Committee shall hold office only so long as he or she is a resident of St. Lucie County. To the extent practicable, the Board shall appoint practicing or retired professional members from the following disciplines who have demonstrated a significant level of interest, experience or knowledge in historic preservation:

- a. Anthropology or archaeology
- b. Real estate, land development or finance
- c. History, folklore or architectural history
- d. Conservation or curation
- e. Architecture or historic architecture
- f. Historic preservation
- g. Land use planning or historic preservation planning
- h. General or residential contractor
- i. Professional engineer

In the event persons in such disciplines are unavailable, the Board may appoint individuals who have demonstrated a significant level of interest, experience or knowledge in historic preservation.

(2) Special advisors may be appointed by the Board upon the recommendation of the Historic Preservation Committee. They shall serve as ex-officio members having no vote. The Historic Preservation Committee may also seek expertise on proposals or matters requiring evaluation by a profession not represented on the Historic Preservation Committee.

(3) Members of the Historic Preservation Committee shall serve without compensation, but shall be reimbursed for necessary expenses directly related to the performance of their official duties.

**Section 1-10.2-8. Term; removal.**

(1) The term limit for service to the Historic Preservation Committee shall be two (2) consecutive four (4) year terms, not to exceed a total of eight (8) years.

(2) An at large member of the Historic Preservation Committee may be removed from office only by a vote of the Board.

(3) Should a Historic Preservation Committee member fail to attend three (3) consecutive meetings, the Committee Chairman shall certify the same to the Board. Upon such certification, the member shall be deemed to have been removed and the Board shall fill the vacancy by appointment.

**Section 1-10.2-9. Organization.**

The members of the Historic Preservation Committee shall elect members to serve as the Committee's Chair and Vice-Chair, for a period of one (1) year. Nothing shall prevent the Historic Preservation Committee from electing a Chair or Vice-Chair for successive terms. The Historic Preservation Officer or such Officer's representative shall serve as staff liaison to the Historic Preservation Committee with no vote.

**Section 1-10.2-10. Meetings, records**

(1) *Meetings.* The Historic Preservation Committee shall be required to hold regular meetings at least four (4) times a year or more frequently as may be necessary to satisfy the review and hearing requirements set forth in the this ordinance. The Historic Preservation Committee may conduct special meetings as the Historic Preservation Committee may determine, or at the call of the Chair for consideration of business before the Historic Preservation Committee. All meetings of the Historic Preservation Committee shall be publicly announced and shall be open to the public. Meetings will have a previously advertised agenda. The time and place of the meetings, the order of business and the procedures to be followed shall be as prescribed by the Historic Preservation Committee and shall be available for public inspection. All meetings convened to consider local historic designation, Certificates to Dig or Special Certificates of Appropriateness shall be advertised at least ten (10) days prior to the meeting in a newspaper having a general circulation within St. Lucie County.

(2) *Voting.* All Historic Preservation Committee meetings will be held in a public forum. A majority of the Historic Preservation Committee shall constitute a

quorum, and an affirmative vote equal to a majority of the quorum present, whichever is greater, shall be necessary for the adoption of any motion.

(3) *Minutes.* The Historic Preservation Committee shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations, and decisions. Such records shall be filed in the office of the Historic Preservation Officer and shall be open for public inspection.

#### **Section 1-10.2-11. Rules and regulations.**

The Historic Preservation Committee shall recommend to the Board such rules and regulations reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this ordinance. Such rules and regulations shall conform to the provisions of this ordinance, shall not conflict with any applicable laws or regulations, and shall govern and control procedures, hearings and actions of the Historic Preservation Committee. No such rules and regulations shall become effective until a public hearing has been held by the Board upon the proposed rules and regulations, and any amendments or modifications thereto, and the same have been approved by resolution of the Board and filed with the Clerk of the Circuit Court. Upon approval by the Board, such rules and regulations shall have the force and effect of law within the unincorporated areas of St. Lucie County, Florida.

#### **Section 1-10.2-12. Functions, powers and duties.**

The Historic Preservation Committee shall have the following powers and duties:

- (1) Recommend adoption or amendment of Rules of Procedure.
- (2) Recommend designation of individual sites, and historic districts and archaeological zones.
- (3) Initiate petitions for the designation of individual sites and historic districts.
- (4) Issue or deny Certificates of Appropriateness and Certificates to Dig.
- (5) Approve historical markers for properties listed in the St. Lucie County Register of Historic Places.
- (6) Recommend building and zoning amendments to the proper authorities.
- (7) Establish criteria for staff to issue Standard Certificates of Appropriateness.

(8) Review and update the St. Lucie County Historic Resources Survey and the Archaeological Survey of St. Lucie County.

(9) Promote the awareness of historic preservation concerns throughout the community.

(10) Review and make recommendations regarding the acceptance of donations of real property to the Board.

(11) Recommend as appropriate that certain provisions of the zoning code be varied, amended or superceded as a means of encouraging historic preservation.

(12) Contact public and private organizations and individuals for the purpose of arranging intervening agreements that may lead to the preservation of historic resources that might otherwise be demolished.

(13) Evaluate and comment upon pending decisions by other public agencies that affect the physical development and appearance of architecturally, archaeologically or historically significant sites, districts and archaeological zones.

(14) Coordinate with the State of Florida's Division of Historical Resources Certified Local Government program as follows:

a. The Division shall be given thirty (30) days prior notice of all meetings and within thirty (30) days following such meetings the Division shall be provided with the minutes and record of attendance of both the Committee and the public.

b. The Division shall be notified of any change of Committee members within thirty (30) days of any changes in membership.

c. Notify the State Historic Preservation Officer within five (5) business days of all new historic designations or alterations to existing designations.

d. Any amendments to the ordinance shall be submitted to the State Historic Preservation Officer for review and comment at least thirty (30) days prior to adoption.

e. The Division of Historical Resources shall be provided with an annual report by November 1 covering activities of the previous October 1 through September 30 and shall include the following information:

1. Any changes in the Board's Rules of Procedure;
2. All new National Register listings;
3. All new local historic designations and alterations to existing designations;
4. Any changes to Board memberships and a copy of their resumes;

5. Revised resumes of Board members as appropriate;
6. Any amendments to this Chapter;
7. A review of survey and inventory activities with a description of the system used;
8. A program report on each grant-assisted activities; and
9. Number of projects reviewed.

(15) The Historic Preservation Committee shall have the authority to review applications for Certificates of Appropriateness for all property in the unincorporated St. Lucie County, however owned, by either private or public parties. Except as otherwise provided by law, this shall apply equally to plans; projects or work executed or assisted by any private party, governmental body or agency, department, authority or board of a municipality, the County, or the State of Florida.

(16) The Historic Preservation Committee shall receive all nominations of local property to the National Register of Historic Places following the regulations of the State Historic Preservation Office. The Committee shall give notice to the owner of the property at least thirty (30) days but not more than seventy-five (75) days prior to the Historic Preservation Committee meeting at which the nomination will be considered. The Committee shall also obtain approval by the Board for the nomination to the National Register, and these recommendations shall be given to the Board within thirty (30) days. The Committee shall obtain comments from the public that shall be included in the report making a recommendation. Objections to being listed in the National Register by property owners must be notarized and filed with the Historic Preservation Officer. Within thirty (30) days after the Board meeting, the Committee recommendation shall be forwarded to the State Historic Preservation Officer. The State Historic Preservation Officer will take further steps on the nomination in accordance with federal and state regulations. If the Board supports the nomination, the State Historic Preservation Officer will schedule the nomination for consideration by the state review board for the National Register at its next regular meeting.

#### **ARTICLE IV. DESIGNATION PROCESS AND PROCEDURE**

##### **Section 1-10.2-13. Criteria.**

(1) The Historic Preservation Committee shall have the authority to recommend designation of buildings, sites, districts, landscape features, roads, objects, structures and resources as sites, districts or zones that are significant in St. Lucie County's history, architecture, archaeology or culture and possess an integrity of location, design, setting, materials, workmanship, feeling or association, and meets one or more of the following criteria:

- a. Significant Event – Associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric and

architectural history that have contributed to the pattern of history in the community, St. Lucie County, the region, the state or the nation; or

b. Significant Person – Associated with persons significant in the County, the region, the state or the nation’s past; or

c. Architectural Significance – Embodies the distinctive characteristics of a type, period, style or method of construction or work of a master; or that possess high artistic value; or that represent a distinguishable entity whose components may lack individual distinction; or

d. Archaeological Significance – Has yielded, or is likely to yield information in history or prehistory; or

e. Listed in the National Register of Historic Places; or

f. Aesthetic Significance – Is part of or related to a landscape, park, environmental feature or other distinctive area, and should be developed or preserved according to a plan based upon a historic, cultural, or architectural motif; or because of its prominent or special local, contrast of siting, age, or scale is an easily identifiable visual feature of a neighborhood or area or contributes to the distinctive quality of such neighborhood or area.

(2) Certain properties, which include cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, properties that have achieved significance within the last fifty (50) years, and properties commemorative in nature will not normally be considered for designation on the St. Lucie County Register of Historic Places. However, such properties will qualify if they are integral parts of districts that do meet the criteria, or if they fall within the following categories:

a. A religious property deriving primary significance from architectural or artistic distinction of historical importance;

b. A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with an historic event or person;

c. There is no other appropriate site or building directly associated with the life of a person significant in the County, the region, the state or the nation’s past;

d. A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events;



e. A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance;

f. A property or district achieving significance within the past fifty (50) years if it is of exceptional importance.

#### **Section 1-10.2-14. Procedures for historic designation.**

Properties that meet the criteria for local historic sites and local historic districts set forth in Section 1-10.2-12 shall be designated according to the following procedures:

(1) *Petition of the owner.* The owner(s) of any property in St. Lucie County may petition the Historic Preservation Committee for designation of their property as an individual site or district. The Historic Preservation Officer shall, based on its findings, either recommend a designation report be prepared or recommend denial of the petition. Nothing in this subsection shall be deemed to restrict the power of the Historic Preservation Committee to initiate the designation process pursuant to this section.

(2) *Directive of the Historic Preservation Committee.* The Historic Preservation Committee shall either accept or deny the application. By accepting the application, the Historic Preservation Committee must set a date for a public hearing and shall direct staff to complete the designation report and notify the proper parties of the public hearing.

(3) *Initiation by the Historic Preservation Committee -* Based upon recommendations from local, state or national historical organizations, the Historic Preservation Committee may initiate the designation of properties which would meet the criteria for an Exceptional Historic Resource as defined in Section 1-10.2-3(18) by notifying the property owner and directing the Historic Preservation Officer to prepare the designation report.

(4) *Designation Reports.* Prior to the designation of an individual site or a district, the Historic Preservation Officer shall prepare an investigation and designation report and submit it to the Historic Preservation Committee. All reports must address the following:

a. Legal description of the property.

b. The historical, cultural, architectural or archaeological significance or how the property fulfills the criteria for designation.

c. Whether the property meets the criteria for an Exceptional Historic Resource as defined in Section 1-10.2-3(18).

d. Boundaries for individual historic sites and a recommendation of boundaries for districts. When a district is recommended, the report must identify those properties which are considered “contributing” (i.e., that they contribute to creating the historic character of the district) or “non-contributing” (i.e., that they do not contribute to creating the character of the district), but which require regulation in order to control potentially adverse influences on the character and integrity of the district. The standards for regulating non-contributing properties shall provide that a Certificate of Appropriateness and/or Certificate to Dig, as appropriate, shall be required for alterations and new construction on such properties.

e. Zoning Regulations. Every historic site and historic district may include detailed zoning regulations made to be compatible with its designation. Such regulations may be designed to supplant or modify any element of existing zoning regulations, including but not limited to use, floor area ratio, density, height, set-backs, parking, minimum lot size or create any additional regulations provided for in this section. The zoning amendment may identify individual properties, improvements, landscape features or sites for which different regulations; standards and procedures may be required. Said zoning regulations shall not be effective until the Board approves the regulations.

f. The report shall also contain a location map and photographs of all exterior surfaces, and interiors when applicable.

g. Optional Designation of Interiors. Normally interior spaces shall not be subject to regulation under this ordinance; however, in cases of existing structures that possess interior spaces that are of exceptional architectural, artistic or historical importance, and are interior spaces which are customarily open to the public, they may be specifically designated. The Designation Report shall describe precisely those features subject to review and shall set forth standards and guidelines for such regulations.

h. Designation reports shall also include a copy of any survey materials related to such property, the property appraiser’s records of such property and a copy of the public hearing newspaper advertisement.

(5) Notification of owner. For each proposed designation of an individual site or district, the Historic Preservation Committee is encouraged to obtain the permission of the property owner(s) of the individual site or within the designated area, and is responsible for sending by certified mail a copy of the designation report to the owner(s) as notification of the intent of the Historic Preservation Committee to consider designation of the property at least thirty (30) days prior to a public hearing held pursuant to this ordinance.

(6) *Interim protection measure:* From the date of said notification of the owner, no building construction or vegetation removal permit for any new construction, alteration, relocation, or demolition or surface alterations that may affect the property proposed for designation shall be issued until the Board approves or denies the designation in accordance with this section, or one hundred twenty (120) days have elapsed, whichever shall occur first

(7) *Notification of government agencies.* Upon filing of a designation report, the Historic Preservation Officer shall immediately notify the appropriate building and zoning department, the appropriate public works department and any other County or municipal agency, including agencies with demolition powers, that may be affected by said filing.

(8) *Notice of Historic Preservation Committee public hearing.* For each individual site or district proposed for designation, a public hearing must be held no sooner than thirty (30) days and within sixty (60) days from the date a designation report has been filed with the Historic Preservation Committee. Property owners within a radius of 150' from the area proposed for designation shall receive a courtesy notice of the hearing, to be mailed at least fifteen (15) days prior to the date of the hearing. Owners of record of the proposed designated properties, shall be notified of the public hearing by certified mail to the last known address of the party being served; however, failure to receive such notice shall not invalidate the same as such notice shall also be perfected by publishing a copy thereof in a newspaper of general circulation at least fifteen (15) days prior to the hearing. Owners shall be given an opportunity at the public hearing to object to the proposed designation.

(9) *Requirement of prompt decision and notification.* Following the public hearing, the Historic Preservation Committee shall recommend approval, denial or amendment of the proposed designation, including whether the property should be considered an Exceptional Historic Resource, and shall forward its recommendation to the Board within thirty (30) days of the hearing for final approval.

(10) *Notice of Board public hearing.* Upon receipt of the Historic Preservation Committee's recommendation, the Board shall schedule a public hearing to consider the proposed designation. The public hearing must be held no sooner than thirty (30) days and within sixty (60) days from the date the Historic Preservation Committee recommendation is filed with the Board. Property owners within a radius of 150' from the area proposed for designation shall receive a courtesy notice of the hearing, to be mailed at least fifteen (15) days prior to the date of the hearing. Owners of record of the proposed designated properties, shall be notified of the public hearing by certified mail to the last known address of the party being served; however, failure to receive such notice shall not invalidate the same as such notice shall also be perfected by publishing a copy thereof in a newspaper of general circulation at least fifteen (15) days prior to the hearing.

Owners shall be given an opportunity at the public hearing to object to the proposed designation.

(11) Requirement of prompt decision and notice. The Board shall either approve, deny or approve with conditions the designation, including whether the property constitutes an Exceptional Historic Resource, and shall designate the property by resolution. Except for property determined to be an Exceptional Historic Resource, the Owner, or a majority of the Owners if owned by more than one person, or a majority plus one of the Owners in a proposed historic district, may reject the designation in writing by filing a written statement with the Historic Preservation Officer. In the event the designation is rejected, the provisions of this ordinance governing designated historic properties shall not apply to the subject property or district. The property shall remain subject, however, to the provisions of Section 4.11.04, St. Lucie County Land Development, if applicable. If approved, the property shall be added to the St. Lucie County Local Register of Historic Places. The following parties shall be notified of its actions with a copy of the resolution.

- a. St. Lucie County Growth Management Department;
- b. St. Lucie County Public Works Department;
- c. St. Lucie County Clerk of Court;
- d. Owner(s) of the designated property and other parties having an interest in the property, if known;
- e. Any other County or municipal agency, including agencies with demolition powers, that may be affected by this action; and,
- f. St. Lucie County Property Appraiser.

(12) Amendment or rescission. In the event the Historic Preservation Committee determines a property no longer in full or in part meets the criteria set forth in Section 1-10.2-13, the Historic Preservation Committee may recommend an amendment or rescission of any designation provided it complies with the same manners and procedures used in the original designation.

(13) Appeal of Designation. A party aggrieved by a designation decision may appeal such decision in the manner provided for in this ordinance.

(14) Recording of designation. The Board shall provide the Clerk of Circuit Court with all designations for the purpose of recording such designation and the Clerk of Circuit Court shall thereupon record the designation according to law.

(15) St. Lucie County Local Register Map. On or before October 1<sup>st</sup> of each year, the Historic Preservation Officer shall prepare a map showing all properties listed on the Local Register of Historic Places as of that date. The Historic Preservation Officer may update the map at such other times as he deems appropriate to reflect changes to the Local Register.

### **Section 1-10.2-15. Emergency actions.**

(1) The Historic Preservation Officer may request the Historic Preservation Committee to take emergency action to review a threat to a property which has not yet been designated as a historic resource but which appears to be eligible for such designation, if the Historic Preservation Officer determines irreparable harm will be done to the historic resource if the proposed demolition, alteration, or construction is allowed to occur.

(2) The department receiving an application concerning a potential historic resource shall provide written notification to the Historic Preservation Officer within five (5) working days of the receipt of the application for permits which do not require a public hearing.

(3) If the Historic Preservation Officer determines irreparable harm will be done to the potential historic resource if the proposed demolition, alteration, or construction is allowed to occur, the Historic Preservation Officer will schedule the matter for consideration by the Historic Preservation Committee. Notice of the public hearing will be provided in accordance with the provisions of Subsection 1-10.2-14(11).

(4) All construction activity requiring building permits or the processing of permit applications relating to the property shall be held in abeyance until the review by the Board is completed with regard to the subject property.

(5) Review and determination by the Historic Preservation Committee:

(a) At the public hearing, the Historic Preservation Officer shall present a report to the Historic Preservation Committee regarding the architectural, historical and archaeological significance of the subject property, including an evaluation of the property under the criteria set forth for historic designation in Subsection 1-10.2-13(1). The Historic Preservation Committee shall also hear testimony from the owner, the applicant and all other interested persons.

(b) At the close of the public hearing, the Board shall determine whether all of the following findings of fact have been established:

1. There is a real and present danger to the subject property as evidenced by the owner or applicant's proposal.

2. Based upon the best available data, the subject property appears eligible for historic designation pursuant to this chapter. The fact that the property has not been nominated for inclusion on the National Register of Historic Places shall not in itself be grounds for approval of the proposed work or development request.

3. During consideration of historic designation, the applicant and/or owner will not be denied all reasonable use of the property.

(6) Based upon its findings of fact as provided above, the Historic Preservation Committee shall recommend to the Board the historic designation procedures should be initiated for the subject property. Following receipt of the Historic Preservation Committee's recommendation, the Board shall conduct a public hearing in accordance with the notice procedures set forth in Section 1-10.2-14(10). If in the judgment of the Board all of the findings of fact as set forth above have been established, the Board shall initiate the historic designation procedures for the subject property. Should sufficient evidence be presented at the public hearing, the Board may designate the property as a public hearing, or it may request further information and set a date for a final historic designation hearing to be held within ninety (90) days.

(7) If the historic designation procedures are initiated, the County shall make every effort to complete the historic designation process in a timely fashion. Except as otherwise set forth in this section, the historic designation process shall follow the same procedures as a regular historic designation.

## **ARTICLE V. CERTIFICATE OF APPROPRIATENESS**

### **Section 1-10.2-16. Required**

(1) No building, site, landscape feature, object, structure, or earthwork, within St. Lucie County which has been designated pursuant to this ordinance or is located within an archaeological zone as defined in Section 1-10.2-3 shall be altered, restored, rehabilitated, excavated, moved or demolished until an application for a Certificate of Appropriateness regarding any architectural features, landscape features or site improvements has been submitted to and approved pursuant to the procedures in this article. The application shall include, but not be limited to, the architectural style, scale, massing, siting, general design and general arrangement of the exterior of the building or structure, including the type, style and color of roofs, windows, doors, walls and appurtenances. Architectural features shall include, when applicable, interior spaces where interior designation has been given pursuant to Article IV. Landscape features and site improvements shall include, but are not limited to, site grading, subsurface alterations, fill deposition, paving, landscaping, vegetation removal, walls, fences, courtyards, signs and exterior lighting. No Certificate of Appropriateness shall be approved unless the architectural or development plans for said construction, alteration, excavation, restoration, rehabilitation, relocation or demolition are approved by the Historic Preservation Committee.

(2) No permit shall be issued by the County that affects any property designated pursuant to this ordinance without a Certificate of Appropriateness.

(3) All work performed pursuant to the issuance of the Certificate of Appropriateness shall conform to the requirements of the certificate. The Board shall designate an appropriate official to assist the Historic Preservation Committee by making necessary inspections in connection with enforcement of this chapter and shall be empowered to issue a stop work order if performance is not in accordance with the issued certificate. No work shall proceed as long as a stop work order continues in effect. Copies of inspection reports shall be furnished to the Historic Preservation Committee and copies of any stop work orders both to the Historic Preservation Committee and the applicant. The Public Works Director or appropriate official and staff for the Historic Preservation Committee shall be responsible for ensuring that any work not in accordance with an issued Certificate of Appropriateness shall be corrected to comply with the Certificate of Appropriateness prior to withdrawing the stop work order.

(4) Any certificate of appropriateness issued pursuant to the provision of this section shall expire twelve (12) months from the date of issuance, unless the authorized work is commenced within this time period or a building permit has been obtained.

(5) Any change in work proposed subsequent to the issuance of a certificate of appropriateness shall be reviewed by the Historic Preservation Officer. If the Historic Preservation Officer finds that the proposed change does not affect the property's historic character and that the change is in accord with approved guidelines, standards and the general intent of the original certificate of appropriateness, the Historic Preservation Officer may issue a supplementary standard certificate of appropriateness for such change. If the proposed change is not in accord with the guidelines, standards or the original intent of the Certificate of Appropriateness, a new application for a special certificate of appropriateness shall be required.

(6) A designated structure or home that is located in a historic district or archaeological zone may not be relocated except upon approval of a certificate of appropriateness. In considering such certificate the Board shall determine whether any reasonable alternative is available for preserving the improvement or structure on its original site and whether the proposed relocation site is compatible with the historic and architectural integrity of the improvement or structure.

(7) For the purpose of remedying emergency conditions determined to be dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction or other repairs to a building or site in St. Lucie county, pursuant to an order of a government agency or a court of competent jurisdiction. The owner of a building damaged by fire or natural calamity shall be permitted to stabilize the building immediately without Historic Preservation Committee approval and to rehabilitate it later under the normal review procedures of this ordinance.

(8) Where the Historic Preservation Officer or the Historic Preservation Committee determines that any improvement within a designated historic site or

designate historic district is endangered by lack of maintenance and repair, or that other improvements in visual proximity to a historic sight or historic district lack maintenance and repair to such an extent as to detract from the desirable character of the historic site or historic district, such determination shall be reported to the Code Compliance Division. In the event the County Building Official determines that any structure within a designated historic site or historic district is unsafe pursuant to the Florida Building Code, as adopted by the County, or in violation of the Property Maintenance Ordinance as set forth in Section 13.09.00 of the St. Lucie County Land Development Code, such official shall immediately notify the Historic Preservation Committee with a copy of any findings. Where reasonably feasible within applicable laws and regulations, the Code Compliance Division shall endeavor to encourage repair of the structure rather than its demolition and shall take into consideration any comments and recommendations by the Historic Preservation Officer. The Historic Preservation Committee and/or the Board may take appropriate action to encourage preservation of any such structure.

#### **Section 1-10.2-17. Forms and fees.**

Applications for Certificates of Appropriateness must be made on forms approved and provided by the Historic Preservation Committee and must be submitted with the appropriate fee to the Historic Preservation Officer pursuant to the fee schedule established by resolution of the Board.

#### **Section 1-10.2-18. Pre-application conference**

Before submitting an application for a Certificate of Appropriateness, an applicant is encouraged to confer with the Historic Preservation Officer to obtain information and guidance before entering into binding commitments or incurring substantial expenses in the preparation of plans, surveys and other data. At the request of the applicant, the Historic Preservation Officer, or any member of the Historic Preservation Committee, an additional pre-application conference shall be held between the applicant and the Historic Preservation Committee or its designated representative. The purpose of such conference shall be to further discuss and clarify preservation objectives and guidelines. In no case, however, shall any statement or representation made prior to the official application review be binding on the Historic Preservation Committee, the Board, or any County department. The owner(s) of a designated property are also encouraged to consult with the Historic Preservation Officer prior to the commencement of any routine maintenance and/or repairs to the site.

#### **Section 1-10.2-19. Standards for review and issuance.**

The *U.S. Secretary of the Interior's Standards for the Rehabilitation* are hereby adopted as the standards by which applications for any Certificates of Appropriateness are to be measured and evaluated. In adopting these standards, it is the intent of this ordinance to promote the proper maintenance, restoration, preservation, rehabilitation appropriate to the property, and compatible contemporary designs which are harmonious with the



exterior architecture and landscape features of neighboring buildings, sites and streetscapes. From time to time, the Historic Preservation Committee may adopt additional standards to preserve and protect special features unique to the County. Based on the *Secretary of the Interior's Standards*, the designation report, a complete application, any additional plans, drawings, photographs and samples of materials to fully describe the proposed project, the Historic Preservation Committee may approve or deny the application for a Certificate of Appropriateness.

#### **Section 1-10.2-20. Standard Certificate of Appropriateness.**

Where the action proposed in an application is a minor alteration to a designated site or contributing resource within a historic district, as specified by the rules of procedure of the Historic Preservation Committee, and satisfies the standards as set forth in Section 1-10.2-18, the Historic Preservation Officer shall, within ten (10) calendar days of receipt of the complete application, approve or deny the application. The findings of the Historic Preservation Officer shall be mailed to the applicant within three (3) days of the staff's decision, accompanied by a statement that explains the Officer's decision. The applicant shall have an opportunity to challenge the Officer's decision by applying for a Special Certificate of Appropriateness, within thirty (30) days of the Historic Preservation Officer's findings. Further, the applicant may also request that his/her application be classified as a Special Certificate of Appropriateness so that the Historic Preservation Committee will consider it.

#### **Section 1-10.2-21. Special Certificate of Appropriateness.**

(1) Where the action proposed in an application involves a major alteration, relocation or demolition to a designated site or a contributing resource within a historic district, as specified by the rules of the Historic Preservation Committee, or where the Historic Preservation Officer finds that the action proposed in an application is not clearly in accord with the standards as set forth in Section 1-10.2-19, the application shall be classified as a Special Certificate of Appropriateness and the following procedures shall govern:

(2) When a complete application is received, the Historic Preservation Officer shall place the application on the next regularly scheduled meeting of the Historic Preservation Committee. The Historic Preservation Committee shall hold a public hearing with notice of the application and the time and place of the hearing as follows:

a. The applicant shall be notified by mail at least ten (10) calendar days prior to the meeting.

b. Any individual or organization requesting such notification and paying any established fees therefore shall be notified by mail at least ten (10) calendar days prior to the hearing.

c. An advertisement shall be placed in a newspaper at least ten (10) calendar days prior to the hearing.

d. The Historic Preservation Committee shall approve, deny or approve with conditions, subject to the acceptance of those conditions by the applicant. The Historic Preservation Committee may suspend action on the application for a period not to exceed thirty (30) days, in order to seek technical advice from outside its members, or to meet further with the applicant to revise or modify the application.

e. The decision of the Historic Preservation Committee shall be issued in writing. Evidence of approval shall be by Certificate of Appropriateness issued by the Historic Preservation Committee or its designated staff. When an application is denied, the Historic Preservation Committee's notice shall provide an adequate written explanation of its decision.

#### **Section 1-10.2- 22. Demolition.**

(1) Demolition of a building, site, district, landscape feature, object, structure, earthwork, or such resource that has been designated as historic pursuant to this ordinance or is located within an archaeological zone as defined in Section 1-10.2-3 may occur only pursuant to an order of a government agency or a court of competent jurisdiction or pursuant to an approved application by the owner for a Special Certificate of Appropriateness.

(2) Government agencies having the authority to demolish unsafe structures shall receive notice of designation of buildings, sites, districts, landscape features, objects, structures, and archaeological sites or zones. The Historic Preservation Committee shall be deemed an interested party and shall be entitled to receive notice of any public hearings conducted by said government agency regarding demolition of any property designated or documented as historic pursuant to this ordinance. The Historic Preservation Committee may make recommendations and suggestions to the government agency and the owner(s) relative to the feasibility of and the public interest in preserving the designated property.

(3) No permit for voluntary demolition of a building, site, district, landscape feature, object, structure, earthwork, an archaeological site, or such resource that has been designated as historic pursuant to this ordinance shall be issued to the owner(s) thereof until an application for a Special Certificate of Appropriateness has been submitted and approved pursuant to the procedures in this section. Refusal by the Historic Preservation Committee to grant a Special Certificate of Appropriateness shall be evidenced by written order detailing the public interest which is sought to be preserved. The Historic Preservation Committee shall be guided by the criteria contained in Section 1-10.2-19. The Historic Preservation Committee may grant a Special Certificate of Appropriateness, which may provide for a delayed effective date of up to eighteen (18) months. The

effective date shall be determined by the Historic Preservation Committee based upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition delay period, the Historic Preservation Committee may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this chapter. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one (1) or more structures or other features.

(4) In addition to all other provisions of this Section, the Historic Preservation Committee shall consider the following criteria in evaluating applications for Special Certificates of Appropriateness for the demolition of a historic building, site, landscape feature, object, structure, earthwork, or archaeological site.

a. Whether the historic resource is of such interest or quality that it would reasonably meet national, state or local criteria for designation.

b. Whether the historic resource is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

c. Whether the historic resource is one of the last remaining examples of its kind in the County or the region.

d. Whether the historic resource contributes significantly to the historic character of a designated historic district.

e. Whether retention of the historic resource promotes the general welfare of the County by providing an opportunity for study of local history, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage.

f. Whether there are definite plans for reuse of the property where the historic resource is located, if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area.

#### **Section 1-10.2-23. Economic Hardship.**

(1) Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provisions of this chapter would result in serious undue economic hardship to the applicant, the Historic Preservation Committee shall recommend to the Board whether it is appropriate to vary or modify adherence to this ordinance; provided always that its requirements ensure harmony with the general purposes hereof and will not adversely affect St. Lucie County.

(2) In any instance where there is a claim of undue economic hardship, the owner may submit, by affidavit, to the Historic Preservation Committee at least fifteen (15) days prior to the public hearing, the following information:

a. For all property:

1. The amount paid for the property, the date of purchase and the party from whom purchased;
2. The assessed value of the land and improvements thereon according to the two (2) most recent assessments;
3. Real estate taxes for the previous two (2) years;
4. Annual debt service, if any, for the previous two (2) years;
5. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property;
6. Any listing of the property for sale or rent, price asked and offers received, if any;
7. Any consideration by the owner as to profitable adaptive uses for the property;
8. An estimate of the cost of the proposed demolition or relocation;
9. A report from a licensed engineer or architect with experience in historic rehabilitation as to the structural soundness of the structure, and its suitability for relocation and/or rehabilitation, however, the County may retain an independent engineer and/or architect to review and approve the report; and
10. An estimate from an architect, developer, real estate consultant, appraiser or other professional as to the economic feasibility of the rehabilitation or adaptive use of the existing structure however, the County may retain an independent engineer and/or architect to review and approve the estimate.

b. For income-producing property:

1. Annual gross income from the property for the previous two (2) years;
2. Itemized operating and maintenance expenses for the previous two (2) years; and
3. Annual cash flow, if any, for the previous two (2) years.

(2) The Historic Preservation Committee may require that an applicant furnish such additional information as the Historic Preservation Committee believes is relevant to its determination of undue economic hardship and may provide in appropriate instances that such additional information be furnished under seal. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his/her affidavit a statement of the information that cannot be obtained and shall describe the reasons why such information cannot be obtained.

**Section 1-10.2-24. Maintenance of designated properties.**

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any elements of any building, agricultural property, utility or structure which does not involve a change of design, appearance or material, and which does not require a building permit.

**ARTICLE VI. CERTIFICATE TO DIG**

**Section 1-10.2-25. Certificate to Dig.**

(1) A Certificate to Dig is a type of Certificate of Appropriateness. Within an archaeological zone as defined in Section 1-10.2-3, new construction, filling, digging, the removal of trees, or any other activity that may alter or reveal an archaeological site shall be prohibited without a Certificate to Dig. All applications to all appropriate County agencies involving new construction, demolition, large-scale digging, the removal of trees or any other activity that may reveal or disturb an archaeological site in an archaeological zone shall require a Certificate to Dig before approval. Based on a complete application for a Certificate to Dig and any additional guidelines the Historic Preservation Committee may deem necessary, the staff of the Historic Preservation Committee shall, within ten (10) days from the date the completed application has been filed, approve or deny the application for a Certificate to Dig by the owners of a property in a designated archaeological zone. The applicant shall have an opportunity to challenge the Officer's decision by applying for a Special Certificate of Appropriateness, within thirty (30) days of the Officer's findings. Further, the applicant may also request that his/her application be classified as a Special Certificate of Appropriateness so that the Historic Preservation Committee will consider it.

(2) The Certificate to Dig may be made subject to specified conditions, including but not limited to conditions regarding site excavation. In order to comply with the requirements of the Certificate to Dig, the applicant may be required to conduct an archaeological excavation by a professional archaeologist who meets the U.S. Secretary of the Interior's Standards to conduct excavations and monitoring from the time of the approval of the Certificate to Dig until the effective date thereof. The findings of the Officer shall be mailed to the applicant by registered mail promptly. The applicant shall have the opportunity to challenge the staff decision or any conditions attached to the Certificate to Dig by filing a written notice of appeal to the Historic Preservation Committee within thirty (30) days after receipt.

(3) *Approved Certificates to Dig.* Approved Certificates to Dig shall contain an effective date not to exceed sixty (60) days, at which time the proposed activity may begin, unless the Historic Preservation Committee decides to designate the site in question as an individual site or district. In that case, all the rules and regulations pertaining to the designation process shall apply from the date the designation report has been filed.

(4) All work performed pursuant to the issuance of a Certificate of Appropriateness or Certificate to Dig shall conform to the requirements of such Certificate. It shall be the duty of the appropriate government agencies and the staff of the Historic Preservation Committee to inspect from time to time any work pursuant to such Certificate to assure compliance. In the event work is performed not in accordance with such Certificate, the Historic Preservation Officer shall be empowered to issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such projects as long as such stop work order shall continue in effect.

## **ARTICLE VI. APPEALS**

### **Section 1-10.2-26. Appeals.**

Within thirty (30) days of the written decision of the Historic Preservation Committee, an aggrieved party may appeal the decision by filing a written notice of appeal with the Clerk of the Board of County Commissioners. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within sixty (60) days of the filing of the appeal or the first regular Board meeting which is scheduled, whichever is later in time, the Board shall conduct a public hearing at which time they may affirm, modify or reverse the decision of the Historic Preservation Committee. Nothing contained herein shall preclude the Board from seeking additional information prior to rendering a final decision. The decision of the Board shall be in writing and a copy of the decision shall be forwarded to the Historic Preservation Committee and the appealing party.

Within the time prescribed by the appropriate Florida Rules of Appellate Procedure, a party aggrieved by a decision of the Board may appeal an adverse decision to the Circuit Court in and for St. Lucie County, Florida.

## **ARTICLE VIII. PENALTIES**

### **Section 1-10.2-27. Penalties.**

The provisions of this ordinance may be enforced by the St. Lucie County Code Enforcement Board. This provision shall not preclude enforcement of this article in the Circuit Court or as otherwise authorized by law.

## **ARTICLE IX. INCENTIVES**

### **Section 1-10.2-28. Incentives.**

All properties designated as historic resources pursuant to this ordinance shall be eligible, upon application by the owner(s), for any available financial assistance set aside for historic preservation by St. Lucie County contingent on the availability of funds and the scope of the project as described in the application.

### **Section 1-10.2-29. Tax exemptions for rehabilitations to designated historic properties.**

(1) *Scope of tax exemptions.* A method is hereby created for the Board, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic resources. The exemption shall apply to one hundred percent (100%) of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation made on or after the effective date of this ordinance. The exemption applies only to taxes levied by St. Lucie County. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII of the Florida Constitution. The exemption does not apply to personal property.

(2) *Duration of tax exemptions.* Any exemption granted under this section to a particular property shall remain in effect for ten (10) years. The Board shall have the discretion to set a lesser term. The term of the exemption shall be specified in the ordinance approving the exemption. The duration of the exemption as established in the ordinance granting the exemption shall continue regardless of any change in the authority of the County to grant such exemptions or any change in ownership of the property. In order to retain an exemption, however, the historic character of the property, and improvements which qualified the property for an exemption, must be maintained in their historic state over the period for which the exemption was granted.

(3) Eligible properties and improvements. Property is qualified for an exemption under this section if:

a. At the time the exemption is granted the property:

1. Is individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended; or

2. Is identified as a contributing property in a National Register of Historic Places listed district;

3. Is individually listed in the St. Lucie County Register of Historic Places pursuant to this ordinance;

4. Is identified as a contributing property to a historic district, under the terms of the St. Lucie County Ordinance.

b. The Historic Preservation Committee has certified to the Board that the property for which an exemption is requested satisfies Subsection 1-10.2-28(a).

(4) In order for an improvement to a historic property to qualify the property for an exemption, the improvement must:

a. Be consistent with the U.S. Secretary of the Interior's Standards for Rehabilitation; and

b. Be determined by the St. Lucie Historic Preservation Committee to meet the criteria established in the Rule 1A-38, Florida Administrative Code.

c. The St. Lucie County Historic Preservation Committee has issued a Special Certificate of Appropriates for the proposed improvements.

(5) Applications. Any person, firm, or corporation that desires an ad valorem tax exemption for the improvement of a historic property must, in the year the exemption is desired to take effect, file with the Board a written application on a form prescribed by the Department of State. The application must include the following information:

a. The name of the property owner and the location of the historic property;

b. A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvements;



c. Proof, to the satisfaction of the Historic Preservation Committee, that the property that is to be rehabilitated or restored has been designated historic pursuant to this ordinance;

d. Proof, to the satisfaction of the Historic Preservation Committee, that the improvements to the property will be consistent with the *U.S. Secretary of Interior's Standards for Rehabilitation*;

e. Other information identified in appropriate Department of State regulations, or requested by the Historic Preservation Committee; and

f. A completed application for a Special Certificate of Appropriateness for the qualifying restoration or rehabilitation.

(6) *Required covenant.* To qualify for an exemption, the property owner must enter into a covenant or agreement with the Board for the term for which the exemption is granted. The form of the covenant or agreement must be established by the Department of State and must require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. The covenant or agreement shall be binding on the current property owner, transferees, and their heirs, successors, or assigns. Violation of the covenant or agreement results in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in Section 212.12(3), Florida Statutes.

(7) The Historic Preservation Committee, or its successor, is designated to review applications for exemptions. The Historic Preservation Committee must recommend that the Board grant or deny the exemption. Such reviews must be conducted in accordance with rules adopted by the Department of State. The recommendation, and the reasons therefore, must be provided to the applicant and to the Board before consideration of the application at an official meeting of the Board.

(8) *Approval by Board.* A majority vote of the Board shall be required to approve a written application for exemption. Such exemption shall take effect on the January 1 following substantial completion of the improvement. The Board shall include the following in the resolution approving the written application for exemption:

b. The name of the owner and the address of the historic property for which the exemption is granted;

c. The period of time for which the exemption will remain in effect and the expiration date of the exemption; and

d. A finding that the historic property meets the requirements of this ordinance.

**PART B. CONFLICTING PROVISIONS.**

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

**PART C. SEVERABILITY.**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

**PART D. APPLICABILITY OF ORDINANCE.**

This ordinance shall be applicable in the unincorporated area of St. Lucie County.

**PART E. FILING WITH THE DEPARTMENT OF STATE.**

The Clerk be and is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

**PART F. EFFECTIVE DATE.**

This ordinance shall take effect upon January 1, 2006.

**PART G. ADOPTION.**

After motion and second, the vote on this ordinance was as follows:

Chairman Frannie Hutchinson	XXX
Vice Chairman Doug Coward	XXX
Commissioner Paula A. Lewis	XXX
Commissioner Chris Craft	XXX
Commissioner Joe Smith	XXX

**PART H. CODIFICATION.**

Provisions of this ordinance shall be incorporated in the St. Lucie County Code and Compiled Laws, and the word “ordinance” may be changed to “section, article, or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that parts B through H shall not be codified.

**PASSED AND DULY ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

**ATTEST:** **BOARD OF COUNTY COMMISSIONERS**  
**ST. LUCIE COUNTY, FLORIDA**

\_\_\_\_\_  
**Deputy Clerk** **BY:** \_\_\_\_\_  
**Chairman**

**APPROVED AS TO FORM AND**  
**CORRECTNESS:**

**BY:** \_\_\_\_\_  
**County Attorney**

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